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## **PROCESSING U and T VISAS**

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Effective: July 28, 2017

### **I. PURPOSE**

The purpose of this procedure is to provide instructions for processing requests for the U or T nonimmigrant visas for victims of certain crimes.

### **II. TERMINOLOGY**

- U Visa – a nonimmigrant visa available for victims of certain crimes who are willing to assist law enforcement in the investigation or prosecution of the crime.
- T Visa – a nonimmigrant visa available for victims and immediate family members of severe human trafficking who are willing to assist law enforcement in the investigation or prosecution of the crime.

### **III. PROCEDURES**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes for a U visa (8 USC § 1101(a)(15)(U) and victims and immediate family members of severe forms of human trafficking for a T visa (8 USC § 1101(a)(15)(T). Law enforcement is asked to certify the victims' case and cooperation in the prosecution of the crime by completing information requested in Supplement B of USCIS Form I-918 or I-914. The following procedures shall apply:

- A. Any request for law enforcement certification for the purposes of a U or T visa status must come from an attorney and not directly from the victim. The request shall be forwarded in a timely manner to the supervisor assigned to oversee the handling of the request. The supervisor shall:
  - 1. Verify claims of victimization and criminal hearings/outcomes through RMS, as there may be more than one incident and all events must be reviewed.
  - 2. Consult with the assigned investigator to determine the status of any related case and whether further documentation is warranted.
  - 3. Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification has not already been completed and whether a certification is

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warranted. Normally a request for certification should not be pursued until the conclusion of the criminal investigation and/or adjudication is completed.

4. Contact the requesting attorney with any questions regarding criminal hearings.
5. Address the request and complete the certification to include all criminal incidents that apply, in a timely manner, for approval and signature of the Chief of Police, or designee. (The instructions for completing certification forms can be found on the U.S. Department of Homeland Security website. The signature must be in BLUE ink to verify it is an original.)
6. Ensure that a copy of the certification form is filed in the Records Section and then documented on the U or T visa log.
7. Ensure that all certifications are mailed directly to the requesting attorney and not to the victim.
8. Inform the victim's liaison of any requests and their status, if applicable.

**B. Considerations**

1. Signed certifications are valid for six months from the date of signature. If older than six months, the certifying agency may be asked to submit a new signed certification.
2. If the request includes various incidents and the victim did not cooperate with any/some previous events, they may still qualify if they were cooperative in the latest case or hearing on record. For the purposes of the certification, only the latest case where there was cooperation can be documented.
3. If the victim has only a protective order, it does not qualify for a U visa, as protective orders are civil processes. However, if there is a record of a protective order in addition to a criminal incident, it can be used to supplement a qualifying criminal incident in the narrative for the U visa application.
4. Law enforcement agencies have discretion regarding requested certifications and are under no legal obligation to approve or sign the forms.